

REMARKS

Applicants are submitting this supplemental amendment in further response to the outstanding office action mailed 1 October 2008.

Applicants and their undersigned representative wish to thank Examiners Helm and Woodward for granting a personal interview on 13 January 2009 with two of the Applicants: Dr. James Wang and Mr. David Granatell. Applicants' undersigned representative communicated with the Applicants and the Examiners by telephone during the personal interview.

During the interview the undersigned indicated that Applicants will correct an error occurring in claims 25 and 37, last presented, to indicate that the hybrid silicone composite powder contains two interpenetrating polymer networks, in which the PMS and PMSQ networks are held together by physical entanglements on a molecular scale without chemical bonding between them. Applicants originally presented claim 25 as directed to hybrid silicone composite powder contains two interpenetrating polymer networks, and the change in the claims as last presented was in error.

The undersigned then reviewed each of the four prior art references cited by the Examiner, taken individually, and in combination, and reiterated the arguments set forth in the principal amendment of 6 January 2009. The undersigned also emphasized the importance of forming the PMSQ polymer in situ once

the PMS polymer has formed or at least has begun to form, and that the presently claimed hybrid silicone composite powder is not merely a mixture of PMS and PMSQ polymers. In fact a mixture of PMS and PMSQ polymers will not produce a hybrid silicone composite powder to which may be added a silicone fluid or glycerine to form a gel with high viscosity that serves to impart a feeling of smoothness when cosmetic compositions containing the gel are applied to the skin. The undersigned referred to the Declaration Under 37 CFR 1.132 of Dr. James Wang which provides evidence of the importance of the method as set forth in claims 37 through 42.

The Examiners were most interested in hearing directly from Dr. James Wang more details on how the Applicants prepared the hybrid silicone composite powder, how the tests set forth in the Declaration were conducted, and the significance of the results. Since Dr. Wang was one of the Applicants present at the personal interview, he presented detailed background information concerning the structure, the preparation and use of the hybrid silicone composite powder. Dr. Wang explained the importance of emulsion polymerization in the preparation of the hybrid silicone composite powder as set forth in Examples 1 and 2 of the present application as opposed to suspension polymerization.

The Examiners indicated that they would revisit the issue of whether the Applicants' claims are directed to subject matter that is patentable over the cited prior art. The Examiners have

prepared an Examiner's Interview Summary Record in which they make reference to the interview and the presentation of Applicant Dr. James J. Wang.

At the conclusion of the interview, the undersigned asked the Examiners if Applicants could include some additional claims in a supplemental amendment that would be directed to a silicone gel containing a blend of hybrid silicone composite powder and a volatile silicone fluid, a glycerine gel containing a hybrid silicone composite powder and glycerine, as well as to topical cosmetic compositions containing either the silicone gel or the glycerine gel together with at least one cosmetically effective ingredient for treating the skin. Examiner Woodward encouraged the Applicants to present such claims, but did not promise whether the Examiners will examine these claims immediately or insist that some or all of the added claims be the subject of a divisional application.

Applicants therefore have included new claims 43 through 47 in this Supplemental Amendment to cover this subject matter. Antecedent basis for the new claims 43 and 44 may be found in the specification on page 5, line 10, and in Example 3. Antecedent basis for new claim 45 may be found in the specification in Example 4. Antecedent basis for new claim 46 may be found in the specification in Examples 5 through 15 and antecedent basis for new claim 47 may be found in the specification in Example 16.

New claims 43 through 47 are distinguishable over the cited prior art for all of the same reasons as set forth regarding claims 25 through 42. In addition all of claims 43 through 47 deal with either a silicone gel or a glycerine gel containing the hybrid silicone composite powder blended together with, respectively, either a volatile silicone fluid or glycerine. In the case of claims 46 and 47 the silicone gel or the glycerine gel serves as a base for a topical cosmetic composition which further includes at least one cosmetically effective ingredient for treating the skin.

Applicants believe that all claims now presented are in condition for allowance and earnestly solicit a response to that effect. Applicants enclose authorization to charge the cost of filing the one independent claim in excess of three to the credit card of the undersigned attorneys.

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3 February 2009
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Enclosure: Examiner Interview Summary Record